
7 COMMENTS AND COORDINATION

Caltrans has conducted a substantial amount of public outreach on this project over the decade that it has been in development. This chapter will discuss coordination with the public and federal, state and local agencies, including the NEPA/404 coordination.

7.1 Cooperating Agencies

A cooperating agency is any agency, other than the lead agency, that has jurisdiction by law or special expertise with respect to the environmental impacts expected to result from a proposal. The following agencies have agreed to be cooperating agencies under NEPA. Letters from the USACE and FWS are located in Appendix A.

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service

7.2 Notice of Preparation and Notice of Intent

A Notice of Intent was published in the Federal Register on June 28, 1990 and a Notice of Preparation was distributed by the Office of Planning and Research (OPR) on June 27, 1990. Copies of these notices are located in Appendix B. The following state agencies received a copy of this Notice either through the OPR or through Caltrans. Copies of the letters can be found in Appendix C. Table 7-1 lists the responses to the NOI and NOP and summarizes the agencies concerns.

California Air Resources Board

California Dept. of Conservation

California Dept. of Fish and Game

California Dept. of General Services

California Dept. of Health

California Dept. of Housing and Community Development

California Dept. of Parks & Recreation, Office of Historic Preservation

California State Lands Commission

California Water Resources Control Board

Central Valley Region Water Quality Control Board

Native American Heritage Commission

Regional Air Pollution Control District/Air Quality Management District

The following agencies responded to these Notices and requests for information:

Table 7-1 Agencies Responding to Notice of Intent and Notice of Preparation

Agency	Date	Issues/Concerns
Federal Government		
U.S. Dept. of Interior, Bureau of Mines	June 12, 1990 August 2, 1990	Provided a print out locating minerals and mineral claims.
U.S. Dept. of Interior, Bureau of Indian Affairs	July 24, 1990	No Indian Lands under the jurisdiction of this agency are involved.
State Government		
California Dept. of Fish and Game	May 26, 1989	Suggested some issues they will be looking for in the NES.
California Dept. of Fish and Game	May 11, 1990	Issues: Riparian habitat, Swainsons' hawk, vernal pools, valley elderberry longhorn beetle, giant garter snake, chinook salmon. They discussed requirements for mitigation.
California Dept. of Fish and Game	July 23, 1990	Referencing the May 11, 1990 letter for concerns.
California Dept. of Boating and Waterways	July 6, 1990	No comments.
Sacramento Area Council of Governments	July 10, 1990	No concerns of an environmental nature. The Lincoln Bypass is included in the 1990 Regional Transportation Improvement Program, and also conforms with the 1982 Regional Air Quality Plan.
California Regional Water Quality Control Board, Central Valley Region	July 12, 1990	The DEIR should; address the implementation of an enforceable erosion control plan, incorporate appropriate grading plan measures, and designate responsible parties for any phase of this project.
Dept. of Parks and Recreation, Office of Historic Preservation	January 30, 1995	Finding of Effect. Agreed that this project would not effect the historic properties in the vicinity.
County & Local Governments		
Placer County Dept. of Public Works	July 25, 1990	Impacts to county roads should be addressed. There is a concern about encroachment into agricultural lands by the freeway, and the conversion of agricultural lands due to growth pressures from the presence of the new road.

7.3 Coordination with Agencies

Coordination with the resource agencies is ongoing. The resource agencies have been invited to Project Development Team (PDT) meetings, provided copies of minutes

of those meetings and have been kept up to date on the current status of this project. As personnel changed within the different Resource Agencies, additional material has been sent to the new contact person. Table 7-2 lists the coordination that has taken place with other State, Federal and local agencies. Copies of the letters can be found in Appendix D.

Table 7-2 Coordination with Agencies

U.S. Fish and Wildlife Service	
Letter to James McKevitt requesting guidance on USFWS concerns.	April 12, 1990
Letter from Wayne White responding to April 12, 1990 letter.	June 29, 1990
Letter from David Harlow responding to request of July 21, 1998 for information.	August 13, 1998
Letter from Karen Miller responding to March 12, 2000 telephone request for comments on survey protocol.	April 27, 2000
Letter from Karen Miller responding to August 28, 2000 request for information on endangered and threatened species	September 11, 2000
U.S. Dept. of Commerce, National Marine Fisheries Service	
Letter to John Baker, Fisheries Biologist requesting concurrence that the project is not likely to adversely affect CV Steelhead or adversely modify it's Critical Habitat	May 10, 2004
Letter from Rodney R. McInnis concurring on "not likely to adversely affect" determination.	May 19, 2004
U.S. Army Corps of Engineers:	
Letter from Tom Coe, Chief, Regulatory Unit 1, regarding wetlands manual.	August 30, 1991
Letter to Tom Coe, responding to letter of August 30, 1991	September 27, 1991
Letter from Tom Coe regarding wetlands verification	September, 1991
U.S. Dept. of Agriculture, Natural Resources Conservation Service:	
Letter from Clifford Heitz, District Conservationist.	June 22, 1999
Farmland Conversion Impact Rating Forms.	May 13, 2001
California Dept. of Fish and Game:	
Letter from James Messersmith, Regional Manager responding to request for information.	May 26, 1989

Letter to Jerry Mench requesting CDFG concerns.	April 12, 1990
Letter from James Messersmith responding to request.	May 11, 1990
California Dept. of Parks & Recreation, State Historic Preservation Office	
Letter from Kathryn Gualtieri, State Historic Preservation Officer, concurring that Fickewirth Ranch and Sheridan Cash Store are eligible for National Register.	October 22, 1991
Letter from Cherilyn Widell, State Historic Preservation Officer, concurring that Fickewirth Ranch and Sheridan Cash Store are eligible for National Register and with the phasing of investigation for the archaeological sites.	August 8, 1994
Letter from Cherilyn Widell, State Historic Preservation Officer, responding to Section 106 request.	January 30, 1995
Letter from Dr. Knox Mellon, State Historic Preservation Officer, responding to Section 106 request. Concurs with findings.	November 19, 2002
Letter to Mr. Milford Wayne Donaldson, State Historic Preservation Officer, requesting concurrence on Finding of No Adverse Effect and informing him of the use of the de minimus standard. Concurs with findings on 2/16/06.	February 2, 2006
Placer County:	
Letter to Board of Supervisors and City Council advising them of this project.	July 24, 1989
Letter to Property Owners advising of this project.	July 24, 1989

7.4 Public Outreach

Additional correspondence from the residents of Lincoln and surrounding areas can be found in the "Public Outreach" notebook located in the Caltrans District 3 office in Sacramento. A summary of the public hearings, open houses and informational meetings that have been held for this project are listed in Table 7.3. Three newsletters were sent out to the residents of Lincoln on April 12, 1990, March 1991 and March 1993. Listed in the table below are the public meetings that were held for the project.

Table 7-3 Public Meetings

When	Where	What
November 24, 1987	Caltrans District Office, Marysville	Informational meeting with the City, Caltrans, property owners, developers
November 16, 1989	Lincoln City Hall	Lincoln City Council Meeting

May 1, 1990	McBean Park Pavilion, Lincoln	Public Drop in Workshop
April 18, 1991	McBean Park Pavilion, Lincoln	Public Drop in Workshop
September 22, 1999	McBean Park Pavilion, Lincoln	Public Drop in Workshop
January 12, 2000.	Sheridan	Sheridan Municipal Council Meeting
December 12, 2000	McBean Park Pavilion, Lincoln	Public Open House

The format for the public drop-in workshops was informal. Exhibits were set up around the room, with Caltrans representatives available to answer questions. Comment Cards were available, as well as a place to sit down and fill them out. Cookies and coffee were provided by the Lincoln Lions Club. The Comment Cards are included in the Public Outreach Notebook and available for review at the Caltrans District 3 Sacramento office. Approximately 80 citizens attended the first meeting, and 18 commented. In general, the comments were favorable towards the project, although one comment was negative. The second workshop had 90 participants, and 19 provided comments. The comments were all in agreement with the project, and favored the D corridor.

The most recent open house for this project was held on September 22, 1999. There were over 400 people in attendance and 226 Comment Cards were received at the open house. Ten additional comments came in the mail after the open house. A petition was submitted to Caltrans, signed by 314 people in opposition of the shorter A alignment due to the impacts on residents in that area and the feeling that it would divide the city.

Comments at that public workshop were overwhelmingly in favor of the D corridor, and evenly split between D1 and D13. Many of the people in favor of the D1 alignment were located in the Brookview Terrace subdivision, which would be more affected by the D13 alignment. Approximately 40 people suggested a blending of the D1 and D13, by taking D1 up to Nelson, then going with D 13.

Nine people were in favor of the A alignments and 21 were in opposition to the A alignments. A total of nine people were in opposition to the D alignments. Nine people did not feel a bypass was necessary and were in opposition to the whole project, one comment suggested rapid transit. Other concerns expressed in the Comment Cards were the impacts of noise and lights on this quiet community.

The following letters of comment were received from members of the public:

Elisabeth H. Fullerton, dated December 5, 1987

Edwin and Carol Scheiber, dated January 25, 1988

Elisabeth H. Fullerton, dated January 11, 1989

Mr. and Mrs. Edwin A. Noyes, Jr., dated January 21, 1989

Edwin and Carol Scheiber, dated July 19, 1990

Randy Collins, The Sammis Company, dated May 22, 1991

A public open house was held on December 18, 2001, during the circulation of the draft environmental document. Approximately 300 people signed in and 176 submitted comments. The comments ranged in nature from supportive of the project to concern over the loss of farmland and the rural feel of the area. The resource agencies concerns were focused on loss of habitat for vernal pools and their denizens, the Swainson's hawk and growth inducement. Copies of the comments and responses to comments can be found in Appendix K.

7.5 NEPA/404 coordination

In 1994, USACE, EPA, FHWA, FWS, NMFS and Caltrans signed a formal Memorandum of Understanding (MOU) that integrates the NEPA process and Clean Water Act Section 404 procedures, as well as improves coordination among stakeholder agencies. The NEPA/404 Integration process was designed to implement Section 404 more effectively in its efforts to preserve wetlands and the species of plants and animals that depend on this type of habitat.

Under the guidelines of the NEPA/404 Integration process, signatory agencies are to agree to the project's "Purpose and Need" Statement, the criteria for selecting the project alternatives and the Least Environmentally Damaging Practicable Alternative (LEDPA). The guidelines also specify that signatory agencies are to agree to the alternatives that are to be studied, early in the environmental review process. Letters documenting agreement from the agencies on the Purpose and Need, the range of alternatives and the criteria for selecting the alternative can be found in Appendix E and are listed in Table 7-4 below.

A LEDPA was chosen and concurrence was received from EPA and USACE on July 9 and August 8, 2003 (see Table 7-4). The USACE published a Public Notice informing the public of Section 404 involvement in June 2005 and comments from that notice are being evaluated.

While the Final Environmental Impact Statement/Report was being prepared, a preferred alternative in compliance with the section 404(b)(1) guidelines was agreed upon. This alternative was the D13 North Modified alternative. Mitigation has been proposed and agreed upon, and a non-jeopardy opinion was given by the FWS on February 2, 2005. Table 7-4 details the NEPA/404 coordination to date.

Table 7-4 NEPA/404 and Section 7 Coordination

When	Who to Whom	What
April 24, 1994	FHWA/Caltrans to USACE, EPA, FWS,	Letter requesting concurrence on the purpose and need, criteria for selection of alternatives, and description of alternatives to be evaluated in the DEIR/S.
May 5, 1994	FHWA/Caltrans, EPA, USACE, FWS	Meeting to discuss project.
May 12, 1994	FHWA/Caltrans to USACE, EPA, FWS	Letter requesting concurrence on the purpose and need, criteria for selection of alternatives, and description of alternatives to be evaluated in the DEIR/S.
June 17, 1994	FWS to FHWA/Caltrans	FWS needs more information. Purpose & need not clearly identified, would like to see another alternative that doesn't affect wetlands, need a complete list of criteria and alternatives that were discarded at previous planning stages.
June 28, 1994	EPA to FHWA/Caltrans	Concurrence that the range of alternatives meets the requirements for Section 404 and the criteria for the selection of alternatives to be evaluated is adequate. However, they did not agree that the purpose and need was adequate, and that the LEDPA was accurate.
June 30, 1994	FHWA/Caltrans, FWS	Meeting to discuss issues raised in FWS comment letter.
February 18, 1997	FHWA/Caltrans to USACE EPA FWS	Preliminary information for a meeting to obtain concurrence.
February 27, 1997	FHWA/Caltrans, USACE FWS	Meeting to discuss project.
March 6, 1997	FHWA/Caltrans, USACE, EPA, FWS	Pre-application Interagency Meeting
March 17, 1997	FHWA/Caltrans to USACE, EPA, FWS	Requesting concurrence again.
March 21, 1997	FWS, to FHWA/Caltrans	Concurrence on projects purpose and need, range of alternatives and criteria for selection of alternatives.
April 7, 1997	USACE, to FHWA/Caltrans	Concurrence on purpose & need, range of alternatives, design parameters.
May 6, 1997	EPA, to FHWA/Caltrans	Concurrence on purpose & need, range of alternatives, design parameters.

When	Who to Whom	What
February 7, 2000	FHWA/Caltrans, USACE, EPA, FWS,	Meeting to re-acquaint the agencies with the project, review the Natural Environment Study and update the agencies on the project.
November 15-January 15, 2001	Caltrans	Circulation of Draft Environmental Impact Report/Statement
December 2001	Caltrans	FHWA/Caltrans identifies D13 North as the preferred alternative
April 20, 2001	FHWA/Caltrans, USACE, EPA, FWS,	Meeting to present the Habitat Mitigation and Monitoring Proposal.
August 29, 2002	FHWA/Caltrans and EPA	Caltrans and EPA have an initial meeting on the LEDPA. Caltrans agrees to prepare a revised Alternatives Analysis prior to requesting concurrence on LEDPA
September 24, 2002	FHWA/Caltrans and EPA	Caltrans submitted a revised alternatives analysis to EPA.
September 30, 2002	FHWA/Caltrans and EPA	Caltrans/FHWA submits request for concurrence that includes additional information regarding impacts, development patterns and habitat fragmentation.
October 7, 2002	FHWA/Caltrans and EPA	EPA receives from Caltrans the revised Alternatives Analysis (dated Sept 24, 2002), a request for LEDPA concurrence on D13N (dated Sept 30, 2002), and information on the General Plan for the City of Lincoln. The deadline for LEDPA concurrence is set for NOV 18 th
October 31, 2002	FHWA/Caltrans and EPA	A meeting ensued with EPA, City of Lincoln, Placer County and Caltrans to discuss growth in the region. From the information that was presented, EPA requested further information pertaining to development, Williamson Act contracts, development potential and growth pressure in relation to interchanges and intersections.
November 6, 2002	FHWA/Caltrans and EPA	Email received from EPA requesting information on the practicability of the A alternatives.
December 5, 2002	FHWA/Caltrans and EPA	Caltrans/FHWA submits a second request for concurrence and includes supplemental information to support LEDPA. The supplemental information includes impacts to key resources, community impacts of the AC alternatives, discussion on the growth in Lincoln and surrounding areas and Placer Legacy activities. Updated maps from Placer County and the City of Lincoln were also submitted in package.

When	Who to Whom	What
December 20, 2002	FHWA/Caltrans and EPA	Caltrans submits email to EPA answering additional questions regarding LEDPA regarding residential housing impacts. Analysis had included impacts to houses that were in various planning or construction stages and EPA requested verification of actual built housing versus not built.
January 13, 2003	FHWA/Caltrans and EPA	Meeting with EPA, USACE, City of Lincoln, Congressman Doolittle's office and Caltrans to discuss LEDPA. EPA requests further information on cumulative and indirect analysis and how they relate to natural resources on the D alignment, why the AC alternatives were not practicable, cost estimates for right-of-way, clarification on necessity of interchanges at Wise Road and Nelson and information on impacts on homes along the AC alignment. Caltrans agrees to develop a work plan that will be presented to EPA and USACE to ensure that concerns are addressed regarding LEDPA concurrence.
January 16, 2003	FHWA/Caltrans and EPA	Letter from EPA agreeing to postponement of the January 24, 2003 deadline for EPA concurrence on LEDPA and requesting further information on "A" alternatives and a work plan.
January 27, 2003	FHWA/Caltrans and EPA	Caltrans provides EPA information on direct and indirect impacts for the A alignments and Foskett Ranch.
February 4, 2003	FHWA/Caltrans and EPA	FHWA/Caltrans provides EPA information on the D13 alignment and the proposed interchanges. Caltrans submits showing the criteria used to determine the practicability of the AC alignments.
February 13, 2003	FHWA/Caltrans and EPA	EPA sends reference materials and suggestions on how to address cumulative and secondary impacts of transportation projects
February 25, 2003	FHWA/Caltrans and EPA	EPA sends letter with concerns over constraints within the A corridor.
March 20, 2003	FHWA/Caltrans and EPA	FHWA/Caltrans submits work plan for discussion.
March 21, 2003	FHWA/Caltrans and EPA	Meeting with EPA, Caltrans, FHWA, City of Lincoln, Placer County Transportation Planning Agency and USACE to discuss work plan, LEDPA process, design variation and communication protocol.
March 26, 2003	FHWA/Caltrans and EPA	EPA submits feedback on Caltrans work plan.

When	Who to Whom	What
March 27, 2003	FHWA/Caltrans and EPA	Weekly teleconference meetings between Caltrans, USACE and EPA begin. EPA submits final changes to work plan.
May 5, 2003	FHWA/Caltrans and EPA	Caltrans submits work plan to EPA.
May 9, 2003	FHWA/Caltrans and EPA	Teleconference meeting with EPA regarding analysis. EPA discusses concern over the lack of conclusion regarding indirect and cumulative impacts, the design variation in relation to the initial phase versus the final facility and the design changes regarding the overcrossing. Caltrans clarifies design changes.
May 15, 2003	FHWA/Caltrans and EPA	Teleconference meeting with EPA, FHWA and Caltrans to discuss analysis.
July 9, 2003	FHWA/Caltrans and EPA	Letter from EPA concurring with D 13 North as the LEDPA
August 8, 2003	FHWA/Caltrans and USACE	Letter from USACE concurring with D13 North as the LEDPA
February 15, 2004	FHWA/Caltrans and FWS, NMFS	Submitted BA to NMFS and FWS
March 17, 2004	FHWA/Caltrans and FWS, NMFS	Received informal comments from FWS.
April 28, 2004	FHWA/Caltrans, FWS, DFG and USACE	Field meeting at Aitken Ranch to discuss mitigation site
April 30, 2004	FHWA/Caltrans, FHWA and FWS	Caltrans responds in letter to FWS comments
May 4, 2004	FHWA/Caltrans, FHWA and FWS	Meeting to discuss project and submit additional information
May 10, 2004	FHWA/Caltrans and FWS	Submittal of revised BA and request for formal Section 7 consultation
May 10, 2004	FHWA/Caltrans and NMFS	Submittal of revised BA and request for formal consultation
May 19, 2004	FHWA/Caltrans and NMFS	Received concurrence on “Not Likely to Adversely Affect” determination ending formal consultation
May 24, 2004	FWS and FHWA/Caltrans	Received letter requesting additional project information
June 22, 2004	FHWA/Caltrans, FWS and DFG	Field meeting in Lincoln to discuss project and it’s impacts
July 20, 2004	FHWA/Caltrans, City of Lincoln and FWS	Meeting to discuss revised impacts and mitigation requirements

When	Who to Whom	What
September 7, 2004	FHWA/Caltrans and FWS	FHWA submits letter containing additional project information and a second request for formal consultation
September 16, 2004	FHWA, Caltrans, LSA and FWS	Meeting to discuss project indirect and direct impacts and recommendations were given to offset these impacts
November 1, 2004	FHWA, Caltrans, USACE, EPA, City and County	Meeting at Congressman's office to discuss project impacts and compensation measures
November 5, 2004	FHWA, Caltrans, USACE, EPA, City and County	Meeting to discuss additional compensation and conservation measures
November 19, 2004	FHWA/Caltrans, FWS, EPA and USACE	Caltrans submits Draft Mitigation and Monitoring Plan (MMP) for project to obtain concurrence from agencies
December 17, 2004	FHWA/Caltrans Caltrans and EPA	Received letter of concurrence on the Conceptual Mitigation Plan that includes recommendations for Final plan
December 27, 2004	FHWA/Caltrans and USACE	Received letter providing concurrence on draft Mitigation and Monitoring Plan and provides additional recommendations for Final plan
January 7, 2005	FWS, FHWA and Caltrans	A draft BO was submitted to FHWA that outlined mitigation and conservation requirements
February 2, 2005	FWS, FHWA and Caltrans	A Final BO was submitted to FHWA and Caltrans that outlines final mitigation and conservation requirements
December 21, 2005	FWS, FHWA and Caltrans	Caltrans requests to amend the BO
March 21, 2006	FWS, FHWA and Caltrans	FWS submits an amended BO.